

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 296

Introduced by Assembly Member Solorio

February 17, 2009

An act to add Article 4.3 (commencing with Section 52060) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, relating to supplemental education services.

LEGISLATIVE COUNSEL'S DIGEST

AB 296, as amended, Solorio. Supplemental ~~education~~ educational services.

Existing

(1) Existing federal law defines “supplemental ~~education~~ educational services” as tutoring and other supplemental academic enrichment services that are provided, in addition to instruction provided during the ~~day school~~ day and are high quality, research-based, and specifically designed to increase academic achievement, as specified. Existing state law requires the governing board of each school district to offer, and authorizes a charter school to offer, various supplemental instructional programs, including programs for pupils enrolled in grades 7 to 12, inclusive, who do not demonstrate sufficient progress toward passing the high school exit examination.

This bill would state the intent of the Legislature to enact legislation that would modify these supplemental education services. Under federal law, local educational agencies, state educational agencies, and providers of supplemental educational services are required to comply with certain requirements relating to the administration of these supplemental educational services.

This bill would require the State Department of Education, the State Board of Education, providers of supplemental services, and local educational agencies to comply with specified requirements relating to these supplemental educational services. Because the bill would require local educational agencies to provide a higher level of service, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4.3 (commencing with Section 52060) is
2 added to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the
3 Education Code, to read:

4
5 Article 4.3. Supplemental Educational Services

6
7 52060. This article applies to supplemental educational services
8 offered pursuant to Section 6316(e) of the federal No Child Left
9 Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).

10 52061. (a) The department shall not deny the application of
11 a provider of supplemental educational services based solely on
12 the denial of the provider's application in another state.

13 (b) If the program of a provider of supplemental educational
14 services that has been approved by the state board is debarred in
15 another state, the state board shall conduct a review prior to
16 termination of the provider's approval status if the sole basis for
17 contemplating termination is that the provider's program was
18 debarred in another state.

19 (c) Local educational agencies offering supplemental services
20 shall open the enrollment period for supplemental educational
21 services within nine weeks of the beginning of the school year.

1 (d) Local educational agencies offering supplemental
2 educational services shall ensure that blank enrollment forms are
3 available to any member of the public who requests a form.

4 (e) Local educational agencies shall provide at least two
5 methods by which parents or guardians of eligible pupils may
6 submit completed enrollment forms. These methods may include,
7 but are not necessarily limited to, a drop-off location, facsimile,
8 postal mail, and through an Internet Web site.

9 (f) Local educational agencies shall provide parents or
10 guardians of eligible pupils with information about the availability
11 of supplemental educational services through at least two channels.
12 These may include, but are not necessarily limited to, providing
13 the pupil with information, back-to-school presentations, school
14 fairs, postal mail, and telephone.

15 (g) If a local educational agency provides outside entities access
16 to school facilities before school, after school, or both, the local
17 educational agency shall permit supplemental educational services
18 providers the same access. Those providers shall comply with the
19 same legal requirements and fee obligations with which all other
20 outside entities comply.

21 (h) Each provider of supplemental educational services shall
22 begin providing services to pupils within three weeks of the close
23 of the enrollment period.

24 SEC. 2. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.

29 ~~SECTION 1. It is the intent of the Legislature to enact~~
30 ~~legislation that would modify the supplemental education services,~~
31 ~~as defined in subsection (e) of Section 1116 of the Elementary and~~
32 ~~Secondary Education Act of 1965 (20 U.S.C. Section 6301 et.~~
33 ~~seq.), provided by school districts and charter schools.~~